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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,288	05/29/2001	Mika Suila	004770.01148	6223
22907	7590	08/30/2007		
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER BURGESS, BARBARA N	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 08/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/867,288

Applicant(s)

SUILA ET AL.

Examiner

Barbara N. Burgess

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: NONE.
- Claim(s) objected to: NONE.
- Claim(s) rejected: 1-27 and 56-75.
- Claim(s) withdrawn from consideration: 28-55, 76-101.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached Office Action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s): \_\_\_\_\_.
13. ☐ Other: \_\_\_\_\_.

  
SAMEH NAJJAR  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

This Advisory Action is in response to After-Final amendment filed July 23, 2007.

Claims 1-27 and 56-75 are presented for further examination.

### ***Response to Arguments***

**The Office notes the following arguments:**

(a) There is no disclosure that one base station can send a request to a server, which provides an output to an output device that is separate from the base station that submitted the request.

(b) There is no teaching of an information server system (ISS) that is "configured to determine a communication method from multiple communication methods, and for transmitting the P/S-Info using the determined communication method from the multiple communication methods".

1. Applicant's arguments filed have been fully considered but they are not persuasive.

### **In Response to:**

(a) Sussman is cited for teaching the limitation "said output device being separate from the PSA". According to the claim language, the output device is used "for receiving P/S-Info from said ISS and outputting the P/S-Info to the user."

Sussman teaches a bar code scanner (PSA) that scans UPCs which are available on product labels and product catalogs. The scanned bar codes or UPCs are sent to a database by a base station. A base station such as an Internet appliance, PDA, PC, or cell phone (output device) receives textual descriptions of a scanned UPC, coupons, and other UPC supporting information (P/S-Info) from a UPC database stored at a

merchant (website) (ISS) via the Internet. The UPC supporting information (P/S-Info) can be printed out for the consumer on any printer available on the base station (output device) (Abstract, paragraphs [0029-0030, 0032, 0034, 0046]).

Therefore, Sussman, indeed, discloses, "said output device being separate from the PSA".

As well, Durst is cited for teaching an output device for receiving P/S-Info from said ISS and outputting the P/S-Info to the user (column 3, lines 65-67, column 4, lines 1-7, column 6, lines 10-28).

(b) Durst discloses the information server sending the requested product information to the requesting client device (column 3, lines 17-25, column 6, lines 11-15, 20-22). The client may be any type of computing device capable of accessing the network such as a personal computer connected to the Internet. The client may also be a web-enabled cell phone, PDA, etc. As well, communication between the information server and the client device may be implemented over different types of distributed computing networks such as Internet, intranet, a wireless network, and various combinations thereof (column 5, lines 23-42).

According to Applicant's disclosure, a PDA (PSA) is used to request information from the information server (ISS) and the information server (ISS) returning the requested information to the PDA via radiofrequency (RF) transmission (page 14-15, paragraph [0026]). Again, Durst discloses the client device (PSA) being a PDA and the information server (ISS) utilizing the appropriate communication to return requested information (column 5, lines 36-38, column 6, lines 11-15).

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Therefore, Durst, undoubtedly, discloses "a server for determining a communication method from multiple communication methods and transmitting P/S-info using the determined communication method from the multiple communication methods".

Durst further discloses the information server and client device interconnected for selective communication with each other as required by the system. Communication could be implemented by Internet, intranet, wireless network, and various combinations thereof (column 5, lines 23-32). Durst explicitly discloses selecting communication that is required for the device involved in communication with each other.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner  
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August 22, 2007